

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CR-151-FL-1

This matter is before the court on defendant's motion (DE 31) seeking relief from judgment and commitment under Federal Rule of Civil Procedure 60(b)(4), based on an alleged violation of a United States Department of Justice Policy referred to as the "Petite Policy." As the Fourth Circuit has observed, "it is well established that the Petite policy and other internal prosecutorial protocols do not vest defendants with any personal rights." United States v. Jackson, 327 F.3d 273, 295 (4th Cir. 2003). "[A] defendant has no right to have an otherwise valid conviction vacated because government attorneys fail to comply with departmental policy on dual prosecutions." United States v. Howard, 590 F.2d 564, 568 (4th Cir. 1979). Accordingly, defendant is not entitled to the relief requested, and defendant's motion is DENIED.

SO ORDERED, this the 5th day of August, 2013.

Louis W. Eloragan

LOUISE W. FLANAGAN
United States District Judge